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75-1635

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM 1975

NO. 12,313

TALMADGE F. COMBS Petitioner
V.
THE STATE OF TEXAS

PETITION FOR A WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS, THIRD SUPREME JUDICIAL DISTRICT OF THE STATE OF TEXAS AT AUSTIN

Tom Burch
Sour Lake, Texas
Counsel for Petitioner

April 2, 1976

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM 1975

NO. 12,313

TALMADGE F. COMBS Petitioner
V.
THE STATE OF TEXAS

PETITION FOR A WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS, THIRD SUPREME JUDICIAL DISTRICT OF THE STATE OF TEXAS AT AUSTIN

Tom Burch
Sour Lake, Texas
Counsel for Petitioner

April 2, 1976

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IN THE
SUPREME COURT OF THE UNITED STATES

NO. 12,313

TALMADGE F. COMBS Petitioner
Vs.
THE STATE OF TEXAS

PETITION FOR A WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS, THIRD SUPREME JUDICIAL DISTRICT OF THE STATE OF TEXAS AT AUSTIN

The petitioner, TALMADGE F. COMBS, prays that a writ of certiorari issue to review the final opinion and judgment of the Court of Civil Appeals of the Third Supreme Judicial District of Texas, rendered in these proceedings on September 10, 1975. The Supreme Court of the State of Texas upon Application for Writ of Error by petitioner to that court found no reversible error and denied petitioners motion for rehearing on January 7, 1976. Cause No. 12,314, Talmadge F. Combs V. Railroad Commission was treated as a companion case by the Court of Civil Appeals in rendering an opinion but Cause No. 12,314 is not being treated in this petition.

OPINIONS BELOW

The opinion of the Court of Civil Appeals, as yet unreported, appears at Appendix A, infra, pages 7-12.

JURISDICTION

The petition for certiorari was filed less than 90 days from the date aforesaid. The jurisdiction of this Court is invoked under 28 U.S.C. § 1257 (3).

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QUESTIONS PRESENTED

The State of Texas obtained a judgment in the trial court for a mandatory injunction ordering the petitioner to re-enter and to re-plug two oil wells in compliance with Special Order No. 3-60,475, issued by the Railroad Commission of Texas, a statutory regulatory body, for an alleged violation of Article 6005, V.A.C.S., Title 102, Rules 14 (c), (1-a), (1-e) and (1-g), issued thereunder.

The Questions Arising Are:

1. Whether an order issued by an administrative body under and by virtue of a statute which is not discriminatory in its terms, but the enforcement of which is **ARBITRARY, UNREASONABLE** and **DISCRIMINATORY**, violates constitutional rights under the Fourteenth Amendment, § 1, of the Constitution, and

2. Whether the judgment laid down by the trial court and affirmed by the Court of Appeals is consistent with the Due Process and Equal Rights Clause of the Fourteenth Amendment.

CONSTITUTIONAL PROVISIONS INVOLVED

The Constitution of the United States, Fourteenth Amendment provides

> "....No state shall make or enforce any law which shall abridge the privileges or immunities of the citizens of the United States; nor shall any state deprive any person of life, liberty or property, without due process of law...."

STATEMENT OF THE CASE

The facts relevant to the questions presented by this petition are uncontroverted and therefore may be introduced to the Court in summary fashion. Special Order No. 30-60,475, named petitioner as "Operator" of the two wells and ordered that he plug them which he did. Thereafter the Railroad Commission claimed that the wells were not properly plugged and requested that the Attorney Generals office file suit for a mandatory injunction and for penalties and order petitioner to re-enter and to re-plug. Judgment for penalties denied but mandatory injunction issued. Petitioner, asserted his defense with testimony

to show that he was not the "Operator" in the first place. Article 6005, Title 102, Sec. 2, V.A.C.S., Tex. defines the term to-wit

> "....Operator means a person who is responsible for physical operation and control of a well at the time the well is about to be abandoned or ceases production...."

The petitioner has not been able to find any Texas decisions interpreting this section of ARTICLE 6005., V.A.C.S..

The Federal questions sought to be reviewed here were raised in the court of the first instance (the 53rd. Judicial District Court, at Austin, Texas) in the Motion to set aside the judgment and grant a new trial. Petitioner averred that he was not the "Operator" of the wells and therefore was not liable under the order to re-enter and to re-plug the wells and that the court erred in allowing technical proceedures to prevail over constitutional rights by denying him equal protection and due process, and ordering him to make forced expenditures for a condition which he did not create in the first place.

The motion for a new trial was overruled on February 3, 1975, to which ruling the petitioner gave notice of appeal to the Court of Civil Appeals of the 3rd. Supreme Judicial District of Texas at Austin.

THE APPELLATE TERM

On appeal, petitioners brief, filed on April 25, 1975 contended that the testimony given by an employee of the Railroad Commission of Texas, a Mr. Peden, as a witness for the respondent, proved without any doubt whatsoever, that the petitioner was not the "Operator" and the petitioner averred further in his brief that the testimony given by Mr. Peden showed unreasonable discrimination and arbitrary power exercised by the plaintiff (respondent) over the petitioner all in violation of his constitutional rights.

The Appellate Court affirmed the judgment of the lower court and rendered an opinion in part that the order was presumed valid and be enforced in the absence of a direct attack and had the constitutional rights been pleaded, it would have constituted an impermissible collateral attack upon the order.

THE MOTION FOR REHEARING

Petitioners motion for a rehearing to the Appellate Court set out again that the Railroad Commission arbitrarily chose him as the "Operator" instead of directing the Special Order to the "Operator of Record", a Mr. David Wagstaff, Jr., as testified to by Mr. Peden of the Railroad Commission. Mr. Peden further testified that the petitioner was chosen as the "Operator" solely on the basis of an affidavit acquired by the Railroad Commission from a third party. The petitioners motion for a rehearing was summarily overruled on August 6, 1975.

APPLICATION FOR WRIT OF ERROR TO SUPREME COURT OF TEXAS

The petitioner filed an application for Writ of Error in the Supreme Court of Texas on October 6, 1975, in which it was again alleged that the respondent acted arbitrarily in designating him as the "Operator", when the evidence given in the lower court showed without a doubt that one "David Wagstaff, Jr." was the "Operator of Record" in the Railroad Commission files. The petitioner had only removed pipe from one of the wells and ran an electrical log on the other, after which he plugged the wells.

The Supreme Court of Texas found no reversible error and the petitioner filed a motion for rehearing with that court on December 8, 1975, and again averred that he was not the "Operator" and averred that the testimony by Mr. Peden was that the Railroad Commission always first attempted to find the operator of record who was to plug the wells. The Supreme Court summarily overruled petitioners motion and directed that the mandate be issued.

REASONS FOR GRANTING THE WRIT

Here the arbitrary and discriminatory enforcement of an order by the Railroad Commission, which order is in itself not discriminatory violates petitioners rights under the Fourteenth Amendment, § 1. The action of the Railroad Commission was assailed at every step in the proceedings because it was the inalienable right of the petitioner to exercise his equitable defense in response to respondents suit during the trial and thereafter on appeal or writ of error.

The case of Magnolia Petroleum Company Vs. Railroad Commission 96 SW^2 273 (Tex. 1936) and Corzelius Vs. Harrell, 186 SW^2 961. (Tex. 1945) are both authority and were quoted in the Court of Civil Appeals opinion, that an order regular on its face, is presumed to be valid and will not be enforced in the absence of a direct attack, UNLESS EVIDENCE SHOWS IT TO BE UNREASONABLE AND UNJUST, which was petitioners defense during the trial.

The testimony in the case shows that the petitioner was designated as the "Operator" solely on the basis of an affidavit from a third party upon which information the petitioner was so designated as such and ordered to re-enter and to re-plug the wells when the records in the office showed one "David Wagstaff, Jr." as "Operator" and who had produced the wells for their oil, and abandoned them, after which the petitioner pulled the tubing and ran an electrical log, and made a valid attempt to plug both wells. The petitioner never produced one drop of oil from the wells.

In SUNDAY LAKE IRON COM. V. WAKEFIELD TWP., 247 U.S. 250; 62 L. ed 1154, and in GLICKER VS. MICHIGAN LIQUOR CONTROL COMMISSION, 160 F^2, 96,99,100, where it was holed that the purpose of the equal protection clause of the Fourteenth Amendment is to secure every person within a states jurisdiction against intended and arbitrary discrimination whether occassioned by express terms of a statute or by its improper execution of its duly constituted agents. In MONTGOMERY V. SUTTLES 13, SE^2, 781, 786, the court averred that although a law itself is fair on its face and impartial in appliance, yet if it is applied and administered with an evil eye and an unequal hand, so as to make unjust and illegal discrimination between persons in similiar circumstance, material to their rights, there is a denial of equal protection of the law guaranteed by the Federal Constitution. And in NEBBIA V. NEW YORK, 291 U.S. 502; 54 S. Ct. 505; 78 L. ed 940 it was held that due process is a guarantee against unreasonable and arbitrary legislation or other governmental action.

In YOUNG V. MALL INV. CO., 172 Minn. 428, 215 NW 840, 55 A.L.R. 461 it was held that it violates due process to

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compel one person to make expenditures for the exclusive benefit of another private person. (I.e., the operator of record) and in CHICAGO, B & Q R. Co. V. Illinois, 200 U.S. 561; 26 S. Ct. 341; 50 L ed. 949 laid down the implicit principle that those responsible for a condition inimical to the public health, safety or welfare may be compelled to bear the cost of removing the condition, but that they may not be singled out to bear an expense to remove a condition for which they are not in any way responsible.

CONCLUSION

For these reasons, a writ of certiorari should issue to review the judgment and opinion of Court of Civil Appeals of the 3rd Supreme Judicial District of Texas at Austin.

Respectfully Submitted

Talmadge F. Combs - Petitioner
P. O. Box 77, Village Mills, Texas 77663

Tom Burch
Counsel for Petitioner
Sour Lake, Texas

April 2, 1976

IN THE COURT OF CIVIL APPEALS
THIRD SUPREME JUDICIAL DISTRICT
OF TEXAS AT AUSTIN

NO. 12,313

TALMADGE F. COMBS — APPELLANT

vs.

THE STATE OF TEXAS — APPELLEE

FROM THE DISTRICT COURT OF TRAVIS COUNTY
126th JUDICIAL DISTRICT
NO. 203,445
HONORABLE HERMAN JONES, JUDGE PRESIDING

AND

NO. 12,314

TALMADGE F. COMBS — APPELLANT

vs.

RAILROAD COMMISSION OF TEXAS — APPELLEE

FROM THE DISTRICT COURT OF TRAVIS COUNTY
53rd JUDICIAL DISTRICT
NO. 226,616
HONORABLE HERMAN JONES, JUDGE

Upon our motion we have consolidated for purposes of appeal, cause numbers 12,313 and 12,314. Both causes will be disposed of in this opinion.

In No. 12,313, appellee, The State of Texas, sued appellant, Talmadge Combs in December of 1972, in the district court of Travis County for civil penalties for an alleged violation of a special order of the Railroad Commission of Texas. In general, the special order required appellant to plug certain oil and gas wells in Hardin County. In its suit appellee also sought an injunction requiring appellant to comply with the special order. Upon trial to the court, judgment was entered denying appellee recovery of civil penalties, but requiring the clerk to issue an injunction ordering appellant to comply with the special order. We will affirm the judgment.

On August 3, 1971, the Railroad Commission of Texas entered Special Order No. 3-60,475. That order pertained to the plugging of the Norvell Lease Wells one and three, Sour Lake Field in Hardin County. The Commission found in that order that appellant was the "Operator" of the wells within the meaning of Tex. Rev. Civ. Stat. Ann. Art. 6005; that those wells were abandoned and were causing, or were likely to cause, pollution of fresh water above or below the ground; and that those wells had not been properly plugged pursuant to Art. 6005. By the terms of the special order appellant was directed to plug the wells.

Appellant's first point of error is that appellee "....failed to produce evidence necessary to prove that the defendant (appellant) is the "Operator" as term is defined...." in Art. 6005.

Special Order No. 3-60,475 named appellant as operator of the wells and ordered that he plug the wells. That order was

entered in August of 1971 and appellant took no appeal. The order is regular on its face, is presumed valid, and will be enforced in the absence of a direct attack. Magnolia Petroleum Co. v. Railroad Commission, 96 S.W.2d. 273 (Tex. 1936), Corzelius v. Harrell, 186 S.W.2d. 961 (Tex. 1945). Appellant's first point of error is overruled.

Appellant's second point is that the court erred in entering judgment for appellee because the evidence "....clearly proved SUBSTANTIAL PERFORMANCE on the part of the defendant (appellant) in plugging the wells to remove a condition for which the defendant (appellant) was not responsible for creating in the first place and to order defendant (appellant) to make forced expenditures for a condition which he did not create is to deny him due process and equal protection guaranteed (sic) to defendant under the Constitution of the State of Texas."

That part of point of error two claiming a violation of appellant's constitutional rights was not pleaded. Had that violation been pleaded, it, like the first point of error, would have constituted an impermissible collateral attack on Special Order No. 3-60,475.

We are satisfied that the statement of facts shows that appellant had not complied with the special order, and that the district court properly ordered appellant to so comply. Statewide Rules 14 (c)(1-a), 14 (c)(1-e) and 14 (c)(1-g) of the Commission require the placement of a one-hundred-foot concrete plug immediately above perforations and additional cement plugs as requested by the district director at the fresh water depth, and the use of mud of a certain weight. Appellant's testimony showed a noncompliance. Appellant testified that he had caused the wells to be filled with pit mud and that thirteen sacks of cement were then used to cement the upper sixty feet of the wells. Brooks Peden, an employee of the Commission,

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was permitted to testify without objection that from an examination of the records of the Commission he had made a determination that appellant had not complied with the special order.

The remaining portion of this opinion concerns cause number 12,314. On November 21, 1974, appellant, Talmadge Combs, filed suit against appellee, Railroad Commission of Texas, in the district court of Travis County. In response, the Commission filed a number of special exceptions and "pleas in abatement" and a general denial. Upon hearing, the district court entered an order in which the cause was "....dismissed from the docket of this court...."

The language of appellant's trial pleading is neither very clear nor precise. In those pleadings appellant referred to the Commission's special order of August 3, 1971, (No. 3-60,475) by the terms of which he was ordered to plug the Norvell Lease Wells one and three. Appellant pleaded that he did plug the wells and that he furnished the Commission with the required reports. Appellant's pleading then referred to the investigation of the Commission to ascertain whether or not the wells had been properly plugged, and to the intra-agency determination that appellant had not complied with the special order. Appellant's pleadings made further reference to the fact that at his request he was invited to a conference with Brooks Peden, an employee of the Commission, and others, concerning whether or not he had complied with the special order. Appellant described that meeting as a "hearing" and contended that it was invalid because it was "....not held before the Commission sitting as a body...." As a result of that meeting, appellant received a letter dated March 5, 1974, presumably from Peden, in which was detailed the position of the Commission with respect to what appellant had to do to comply with the special order. Appellant's pleading

FILE

characterized that instrument as an "executive order." Some claim is made by appellant that his suit was an appeal to the district court from the so-called executive order.

In further paragraphs, appellant averred that he "....cannot be the LEGAL OPERATOR of the wells so as to give the defendant (the Commission) jurisdiction over him," and, thereafter, he alleged facts to support that contention.

Among other things, the Commission specially excepted to appellant's pleading as a whole upon the basis that it failed to state a cause of action. The basis for the special exception was that appellant's pleading showed on its face that it was an attempt to appeal from the special order entered by the Commission on August 3, 1971, and that the petition filed on November 21, 1974, was, as a matter of law, not timely filed.

We have experienced some difficulty in determining the exact nature of appellant's claim. We have concluded that appellant's basic complaint is that, for many reasons, the Commission should not have determined that he was an "operator" under Art. 6005, and for the Commission "....to single him out to remove a condition (plug the wells) for which he is in no way responsible for (sic) violates due process and equal rights of the plaintiff guaranteed (sic) to him under the Constitution." Appellant's contentions are those properly made in an appeal of the special order to the district court. Accordingly, we construe appellant's suit to be an attempt to appeal from the special order.

Tex. Rev. Civ. Stat. Ann. Art. 6049c § 8 provides in part: "Any interested person affected by...any...order made...by the Commission...and who may be dissatisfied therewith, shall have the right to file suit in...Travis County...to test the validity of said...orders." Though the statute fixes no time limit during

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which the dissatisfied party must file his appeal, such appeal must be brought within a reasonable time. Midas Oil Co. v. Stanolind Oil and Gas Co., 179 S.W.2d 243 (Tex. 1944), Board of Water Engineers v. Colorado River M. W. Dist., 254 S.W.2d 369 (Tex. 1953); see Railroad Commission of Texas v. Aluminum Company of America, 380 S.W.2d 599 (Tex. 1964). Appellant's delay of three years, three months, and eighteen days from the date of the entry of the special order to the date of the filing of his petition in district court is, as a matter of law, unreasonable. Board of Water Engineers v. Colorado River M. W. Dist., *supra*.

The judgments in both cause numbers 12,313 and 12,314 are affirmed.

Bob Shannon, Associate Justice

Affirmed
Filed: July 23, 1975

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IN THE COURT OF CIVIL APPEALS
THIRD SUPREME JUDICIAL DISTRICT
OF TEXAS AT AUSTIN

JUDGMENT

12,313--TALMADGE COMBS V. THE STATE OF TEXAS

APPEAL FROM 126th DISTRICT COURT OF TRAVIS COUNTY AFFIRMED - Opinion by Associate Justice Shannon

THIS CAUSE came on to be heard on the transcript of the record and same being inspected, because it is the opinion of the Court that there was no error in the trial court's judgment, IT IS THEREFORE considered, adjudged and ordered that the judgment of the trial court be and same is hereby in all things affirmed; it is FURTHER ordered that appellant, Talmadge F. Combs, as principal, and Fidelity and Deposit Company of Maryland, as surety on the appeal bond herein, pay all costs in this behalf expended and that this decision be certified below for observance.

DATE: July 23, 1975

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Supreme Court, U. S.
FILED
APR 6 1976
MICHAEL RODAK, JR., CLERK

75-1685

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM 1975

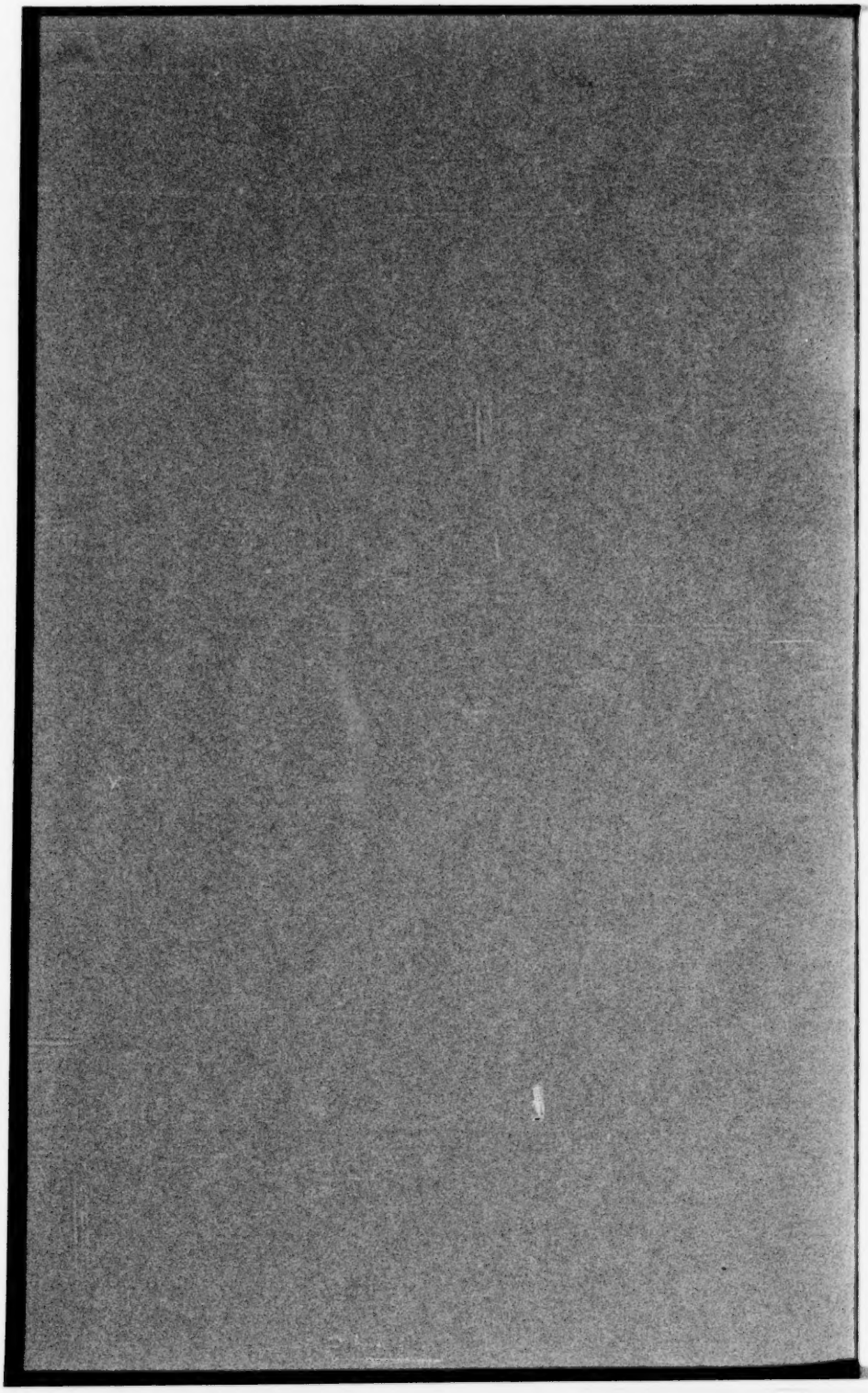
NO. 12,313

TALMADGE F. COMBS Petitioner
V.
THE STATE OF TEXAS

PROOF OF SERVICE
IN THE MATTER OF
PETITION FOR A WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS, THIRD SUPREME JUDICIAL DISTRICT OF THE STATE OF TEXAS AT AUSTIN

Tom Burch
Sour Lake, Texas
Counsel for Petitioner

April 2, 1976



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IN THE
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OCTOBER TERM 1975

NO. 12,313

TALMADGE F. COMBS Petitioner
V.
THE STATE OF TEXAS

PROOF OF SERVICE
IN THE MATTER OF
PETITION FOR A WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS, THIRD SUPREME JUDICIAL DISTRICT OF THE STATE OF TEXAS AT AUSTIN

Tom Burch
Sour Lake, Texas
Counsel for Petitioner

April 2, 1976

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PROOF OF SERVICE

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MOTION TO RECALL MANDATE
CAUSE NO. 12,313

TALMADGE F. COMBS	)	IN THE COURT OF CIVIL
Appellant	)	APPEALS, THIRD SUPREME
Vs.	)	JUDICIAL DISTRICT, AUSTIN,
THE STATE OF TEXAS,	)	TEXAS
Appellee		

TO THE SAID HONORABLE COURT:

Now comes Talmadge F. Combs, who was the Appellant in the above entitled and numbered cause, and moves the court to recall the mandate issued in the above cause on the 12th day of January, 1976. -Said mandate was ordered issued after denial of the Appellant's (Petitioner) Motion for Rehearing in the cause by the Supreme Court of Texas on January 7, 1976.

The party, Talmadge F. Combs, desires to file a petition for writ of certiorari in the Supreme Court of the United States for that court to review the decisions of the State courts.

A substantial Federal question is presented and involved in this cause, giving the Supreme Court of the United States jurisdiction under U.S.C.A., Vol. 28, Title 28, Section 1257 (3), that is more fully shown by Defendant's answer in this cause to Plaintiff's Petition filed at the commencement of the suit.

That the decision of the District Court ordering the Defendant to re-enter and to re-plug the two Norvell wells deprives the said party, Talmadge F. Combs, of his rights, privileges and immunities especially claimed under the Constitution of the United States by denying him equal protection.

WHEREFORE, Talmadge F. Combs, partly herein, by this motion, does pray that this Honorable Court recall the mandate issued in the above and entitled cause for a period of 90 days

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from January 12, 1976; and thereafter until the Petition for Writ of Certiorari to the Supreme Court of the United States has been acted upon by that Honorable Court and disposed of; that no bond be required; and that the records in this cause and in cause No. 12,314, Talmadge F. Combs Vs. Railroad Commission be certified and transmitted to the Clerk of the Supreme Court of the United States.

Tom Burch

Tom Burch - Attorney
Sour Lake, Texas

The State of Texas)
County of Hardin)

BEFORE ME, the undersigned authority, on this day personally appeared Talmadge F. Combs, Pro Se., and Tom Burch, Attorney for Talmadge F. Combs, who being by me duly sworn upon oath depose and say that they are entitled to make this affidavit, that they have read the foregoing Motion To Recall Mandate and know the contents thereof and that the matters and facts therein are true and correct. That a copy of this Motion has been forwarded by certified mail to Mr. Jerry Roberts, Assistant Attorney General, Office of the Attorney General, Capitol Station, Austin, Texas, 78711 on the 18th day of February, 1976.

Tom Burch

Tom Burch, Attorney

Talmadge F. Combs

Talmadge F. Combs - Pro Se.

SUBSCRIBED AND SWORN TO BEFORE ME, by the said, Tom Burch, Attorney and Talmadge F. Combs, on this the _____ day of _____, 1976, to certify which witness my hand and seal of office.

Clarence McCauley
EX-OFFICIO County Clerk

~~Notary Public~~ in and for Hardin County, Texas

Court of Civil Appeals
Third Supreme Judicial District
Supreme Court Building
Austin, Texas 78711

February 25, 1975

Mr. Talmadge Combs
P. O. Box 5074
Beaumont, Texas 77702

Mr. Tom Burch
Sour Lake, Texas 77659

Honorable John L. Hill
Attorney General of Texas

Honorable Linward Shivers
Honorable Jerry H. Roberts
Assistant Attorneys General
P. O. Box 12548, Capitol Station
Austin, Texas 78711

Re: No. 12,313--Talmadge Combs v.
The State of Texas

Gentlemen:

Please be advised that motion to recall mandate in the above cause was today submitted and granted.

Very truly yours,
MRS. MARGIE LOVE, CLERK
By Carol Walton
Mrs. Carol Walton, Deputy

cc: Mr. O. T. Martin
District Clerk
Travis County Courthouse
Austin, Texas 78701

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No. 363462

RECEIPT FOR CERTIFIED MAIL—30¢ (plus postage)

SENT TO: Mr. John Hill Atty. Gen. of Tex.
STREET AND NO.: PO Box 12548 - Cap. Sta.
P.O., STATE AND ZIP CODE: Austin, Texas 78711
POSTMARK OR DATE: FEB 5 1976

RETURN RECEIPT SERVICES — 1. Shows to whom and date delivered. 2. Shows to whom, date and address of delivery.
DELIVER TO ADDRESSEE ONLY
SPECIAL DELIVERY (extra fee required)

PS Form 3800 Apr. 1971 — NO INSURANCE COVERAGE PROVIDED — NOT FOR INTERNATIONAL MAIL

SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).
- [x] Show to whom and date delivered ..... 15¢
- [ ] Show to whom, date, & address of delivery .. 25¢
- [ ] RESTRICTED DELIVERY. Show to whom and date delivered ..... 65¢
- [ ] RESTRICTED DELIVERY. Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO: Mr. John Hill, Austin Tex.

3. ARTICLE DESCRIPTION: REGISTERED NO. | CERTIFIED NO. 363462 | INSURED NO.

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent
Dana Scott

4. DATE OF DELIVERY: FEB 6 1976 — POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: vii — CLERK'S INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

BLEED T

REQUEST FOR CERTIFICATION AND TRANSMISSION

THE STATE OF TEXAS	⎮	CAUSE NO. B-5584 Supreme Court
Vs.	⎮	CAUSE NO. 12,313 Court of C. A.
TALMADGE F. COMBS	⎮	CAUSE NO. 203,445 District Court
	and	
TALMADGE F. COMBS	⎮	CAUSE NO. B-5584 Supreme Court
Vs.	⎮	CAUSE NO. 12,314 Court of C. A.
RAILROAD COMMISSION OF TEXAS	⎮	CAUSE NO. 226,616 District Court

Mr. Garson R. Jackson
Clerk
Supreme Court of Texas
Box 12245 Capitol Station
Austin, Texas 78711

Mrs. Margie Love
Clerk
Court of Civil Appeals
Third Supreme Judicial District
P. O. Box 12547
Capitol Station
Austin, Texas 78711

Mr. O. T. Martin
District Clerk
Travis County
Travis County Courthouse
Austin, Texas 78701

TO THE CLERK POSSESSED OF THE RECORD:

Talmadge F. Combs, party in the above numbered and

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intitled causes, desires to file a Petition for Certiorari in the Supreme Court of the United States and, therefore, under and by virtue of the Supreme Court Rule 21, U.S.C.A., Title 28, does hereby and herein make request to the Clerk above, possessed of the record of the above numbered and entitled causes, to certify and transmit same to the Supreme Court of the United States at Washington D. C..

I hereby certify that a copy of this request was mailed to Honorable John Hill, Attorney General of Texas; the Honorable Linward Shivers and Jerry Roberts, Assistant Attorneys General, being all the parties, by certified mail to P. O. Box 12548, Capitol Station, Austin, Texas 78711, on 6th day of February, 1976.

I further certify that this request was mailed to the Honorable Clerks above listed on this the 6th day of February, 1976, to the address above shown, by certified mail.

Talmadge B. Combs, Pro Se.
P. O. Box 5074
Beaumont, Texas 77702

BLEED TI

RECEIPT FOR CERTIFIED MAIL—30¢ (plus postage)

No. 35,8695

SENT TO
Attorney John L Hall
STREET AND NO.
P.O. Box 12548
P.O., STATE AND ZIP CODE
Austin, Texas 78711

POSTMARK OR DATE
FEB 18 1976

RETURN RECEIPT SERVICES
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2. Shows to whom, date and address of delivery ..... 35¢
RESTRICTED DELIVERY
3. Shows to whom and date delivered ..... 65¢
4. Shows to whom, date and address of delivery ..... 85¢
DELIVER TO ADDRESSEE ONLY
SPECIAL DELIVERY (extra fee required)

PS Form 3800 Apr. 1971 — NO INSURANCE COVERAGE PROVIDED — NOT FOR INTERNATIONAL MAIL (See other side)

SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).
- [x] Show to whom and date delivered ..... 15¢
- [ ] Show to whom, date, & address of delivery .. 35¢
- [ ] RESTRICTED DELIVERY. Show to whom and date delivered ..... 65¢
- [ ] RESTRICTED DELIVERY. Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:
Hon. John L Hall
Att. General

3. ARTICLE DESCRIPTION:
REGISTERED NO. | CERTIFIED NO. 35895 | INSURED NO.

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE [ ] Addressee [ ] Authorized agent

4. DATE OF DELIVERY FEB 20 1976 — POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: — CLERK'S INITIALS

RETURN RECEIPT, REGISTERED AND CERTIFIED MAIL

IV

POOR COPY

D THROUGH

Court of Civil Appeals
Third Supreme Judicial District
Supreme Court Building
Austin, Texas 78711

March 3, 1976

Mr. Talmadge Combs
P. O. Box 5074
Beaumont, Texas 77702

Mr. Tom Burch
Sour Lake, Texas 77659

Honorable John L. Hill
Attorney General of Texas

Honorable Linward Shivers
Honorable Jerry H. Roberts
Assistant Attorneys General
P. O. Box 12548, Capitol Station
Austin, Texas 78711

Re: No. 12,313--Talmadge Combs v. The State of Texas

No. 12,314--Talmadge Combs v. Railroad Commission of Texas

Gentlemen:

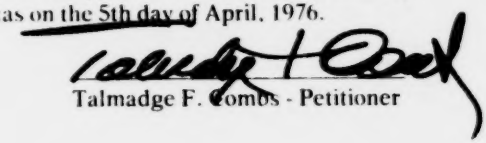
Please be advised that appellant's motion to transmit record to Supreme Court of the United States in the above cause was today submitted and granted.

Very truly yours,
MRS. MARGIE LOVE, CLERK
By Carol Walton

Mrs. Carol Walton, Deputy

BLEED TH

I, Talmadge F. Combs, Petitioner, hereby certify that a true and correct copy of a Petition for a Writ of Certiorari in the Supreme Court of the United States to the Court of Civil Appeals, Third Supreme Judicial District of the State of Texas, was certified and mailed to Mr. Jerry Roberts, Assistant Attorney General of the State of Texas on the 5th day of April, 1976.



Talmadge F. Combs - Petitioner

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